

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
February 7, 2005

The Greenville City Council met in a regular meeting on the above date at 6:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Council Member Little and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Ric Miller
Council Member Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Bowers informed the Council that a resolution in support of the Charles Boulevard Enhancement Project needs to be added to the agenda.

Motion was made by Council Member Little and seconded by Mayor Pro-Tem Miller to approve the agenda as presented with the addition of the resolution in support of the Charles Boulevard Enhancement Project. Motion carried unanimously.

CONSENT AGENDA - APPROVED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to approve all the items under the consent agenda as listed below. Motion carried unanimously.

- (1) Minutes of the January 10, January 13, and January 22, 2005 City Council meetings
- (2) Ordinance installing new stop signs at various locations (Ordinance No. 05-06)
- (3) Ordinance installing new stop signs in the College Court/Coghill Neighborhood as part of the neighborhood-wide traffic calming plan (Ordinance No. 05-07)
- (4) Resolution accepting dedication of public rights-of-way and easements (Resolution No. 05-05)
- (5) Resolution approving a cooperative purchase agreement among local government units for the purchase of information technology projects and services from Cisco Systems, Inc. (Resolution No. 05-06)
- (6) First reading of an ordinance for a limousine franchise for Hodges Limousine, Inc. d/b/a Coastal Limousine

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AN ORDINANCE GRANTING A LIMOUSINE FRANCHISE
TO HODGES LIMOUSINE, INC. D/B/A COASTAL LIMOUSINE

WHEREAS, the City of Greenville is authorized by G.S. 160A-304 to license and regulate all vehicles operated for hire within the City of Greenville; and

WHEREAS, the City of Greenville has adopted an ordinance, Title 1 of Chapter 11 of the Greenville City Code, requiring the operators of limousine businesses within the City to obtain a franchise from the City permitting said operation, and said ordinance sets forth certain requirements and criteria that must be satisfied in order to obtain and maintain the franchise for the operation of a limousine business; and

WHEREAS, Hodges Limousine, Inc. d/b/a Coastal Limousine, is an applicant for a franchise permitting the operation of three limousines within the City limits; and

WHEREAS, following investigation into the qualifications of the applicant, the City Council has determined that the applicant satisfies the requirements and conditions for the operation of a limousine business within the City and has presented evidence substantiating the public convenience and necessity of such a business;

NOW, THEREFORE, BE IT ORDAINED by the Greenville City Council that:

Section 1. A limousine franchise is hereby issued to Hodges Limousine, Inc. d/b/a Coastal Limousine, to permit the operation within the City of Greenville of not more than three limousines.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 4. This ordinance shall become effective immediately upon its adoption.

First reading passed on this the 7th day of February, 2005.

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BOARDS AND COMMISSIONS PRESENTATIONS

Board of Adjustment

Mr. Charles Farley, Chairman of the Board of Adjustment, explained the purpose of the Board of Adjustment and informed the Council that in 2004, the Board considered 41 special use permits, two variances, and one appeal of a decision of the zoning administrator concerning the permitted land use of a property.

REQUEST FROM PITT COUNTY TO ADOPT A RESOLUTION ENDORSING AN ADDITIONAL 1¢ SALES TAX TO BE DEDICATED EXCLUSIVELY FOR EDUCATION RELATED CAPITAL NEEDS - TABLED UNTIL FEBRUARY 10, 2005

Mr. Phil Dickerson, Deputy County Manager/Public Services, asked the Council to adopt a resolution endorsing an additional one-cent sales tax to be dedicated exclusively for capital improvements for education, which would include kindergarten through community college. The County prefers that there be no sunset clause; however, it is expected that there will be one. There will need to be \$217 million in capital improvements for education in the next ten to fifteen years. Pitt Community College needs about \$80 million.

After discussion among the Council Members regarding the process and the desire to obtain more knowledge prior to voting, City Manager Bowers informed the Council that the Pitt County Mayor's Association discussed this item and felt that it would be better for the individual towns to vote on it prior to the Mayor's Association endorsing it.

Motion was made by Council Member Little and seconded by Council Member Dunn to table this item until February 10, 2005. Motion carried unanimously.

DISCUSSION OF 2005 STATE LEGISLATIVE GOALS

City Attorney Holec provided information to City Council on possible legislative goals for the 2005 Session. Those that the Council wished to pursue include:

1. Flexibility in Use of Emergency Telephone System Fund. Support Pitt County in its efforts to secure enactment of legislation which will increase the flexibility of the use of fees generated for the Emergency Telephone System Fund (911) in order to expand the ability of counties to use these funds for purchase or lease of any and all communication equipment associated with receiving, processing or dispatching emergency calls for law enforcement, fire, medical, rescue or other public safety services. This is a 2005 legislative goal for Pitt County. The City would benefit from such legislation since a permitted expenditure, if this authority is received, would be the purchase of radios for municipalities which will be required to complement the proposed new Pitt County radio system.
2. Minimum Non-Residential Structure Code. The City currently possesses authority to address major deficiencies in non-residential structures through its abandoned structure ordinance and through the unsafe building provisions of the North Carolina General

Statutes. Both of these authorities may be applied to both residential and non-residential structures; however, additional authorities would be helpful to address underutilized non-residential structures, particularly in areas where the City is focusing on revitalization efforts.

3. Reduce the Duration for Action on Boarded-Up Structures from One Year to Six Months. Seek legislation that will allow the City to require repair or demolition of a dwelling which has been vacated and closed pursuant to the enforcement of the City's minimum housing code from one year to six months. When a dwelling is determined to be unfit for habitation and the owner is ordered to remedy the condition, an owner may vacate and close the dwelling. Under current State law, additional enforcement action cannot be pursued until after the dwelling has been boarded up for at least one year. The one-year period is designed to indicate that the owner has abandoned the intent to repair the dwelling. A lesser period of time will serve this purpose while not allowing the boarded up structure to adversely impact the neighborhood. This would assist the City's revitalization efforts.
4. Removal of a Cap on Satellite Corporate Limits. Seek an exemption from the provision of state law which places a limit on the area contained within satellite corporate limits. Currently, the area within satellite corporate limits may not exceed ten percent of the total land area within the primary corporate limits of the City. Since the 2000 Session, over 40 municipalities have received such an exemption including Garner, Knightdale, Morrisville, Zebulon, Gastonia, Concord and Salisbury. As of December 31, 2004, the City's current percentage of satellite area to primary corporate limit area is 8.787%. Although the City has not been prevented from annexing any area due to this limitation, it would be helpful to remove this potential barrier to the City's growth.
5. Increase the Funding for Fire Protection for State Properties. Support efforts to increase the funding provided by the State to cities for the provision of fire protection services for State owned properties. Since State owned properties are exempt from ad valorem property taxes, absent another funding mechanism, they do not contribute to the payment for municipal services that are supported by these revenues. For fire protection services, the State makes a payment to cities to compensate for the provision of this service through the State Fire Protection Fund, which is included in the State's budget and distributed to municipalities based upon a formula established in 1997. However, the amount the City has received from the State has been constant (\$202,742) for the last several years and does not appropriately compensate the City for its cost for providing this service. Several cities that have major State universities are interested in having this amount increased and the City's support of these efforts would be appropriate. As a reminder, ECU and the Hospital cooperated with the City in contributing to the purchase of an aerial ladder truck in 1997 which assists in the provision of fire protection service to their high-rise buildings.

Chief of Fire/Rescue Mike Burton explained that the amount the City has received has not been adjusted in seven years. Chapel Hill has reported that 24% of its call volume is to the university or hospital. After the Council briefly discussed this issue, City Manager

Bowers reported that he would work with the Chapel Hill formula to come up with an amount for Greenville.

Motion was made by Council Member Craft and seconded by Council Member Council to not pursue a legislative initiative regarding tree preservation. Motion carried with a 5:1 vote. Mayor Pro-Tem Miller and Council Members Craft, Little, Council and Glover voted in favor of the motion. Council Member Dunn voted in opposition. This legislation would seek authority for the City to adopt regulations relating to the preservation of trees such as limiting the clear-cutting of trees in buffer zones prior to development. By consensus, Council also decided not to pursue the other proposed legislative initiatives.

City Attorney Holec will prepare resolutions for the five legislative initiatives that are to be pursued for consideration on February 10.

RESOLUTION IN SUPPORT OF THE CHARLES BOULEVARD ENHANCEMENT PROJECT – ADOPTED

Mr. Tom Tysinger, Director of Public Works, informed the Council that in order for the North Carolina Department of Transportation to set aside advance funds for the Charles Boulevard Enhancement Project, a resolution of support has to be adopted. The Charles Boulevard Enhancement Project involves the construction of sidewalks, planted medians, landscaping, and other amenities along Charles Boulevard from Greenville Boulevard to Fourteenth Street. The City submitted an application for this project earlier this year for \$420,000, and a local match of \$84,000 will be required. East Carolina University has agreed to pay the match. Only \$77,000 was funded, which will pay for a portion of the sidewalk only. Board Member Marvin Blount III is committed to invest discretionary funds for the project and to do so needs the support of City Council to gain approval by the Board of Transportation. This project is included in the draft Capital Improvement Program with an estimate of \$480,000, which is proposed to be split in three equal shares between the City, Department of Transportation and East Carolina University. The City's share would consist of \$77,000 Enhancement Grant and \$83,000 from Powell Bill funds for a total of \$160,000.

Motion was made by Council Member Craft and seconded by Council Member Dunn to adopt the resolution in support of the Charles Boulevard Enhancement Project. Motion carried unanimously. (Resolution No. 05-07)

REVIEW OF FEBRUARY 10, 2005 CITY COUNCIL AGENDA

The Council did a cursory review of the items on the February 10, 2005 City Council Meeting agenda and reviewed the appointments to Boards and Commissions.

City Manager Bowers informed the Council that he received a letter from Phil Dixon requesting that the Taft rezoning request scheduled for February 10 be amended so that all the property would be rezoned Medical-Office (MO). The options the Council has at this time is to not allow the amendment, to allow the amendment and proceed with the request, or to allow the amendment and refer it to the Planning and Zoning Commission for review. Motion was made

by Mayor Pro-Tem Miller and seconded by Council Member Craft to allow the amendment and proceed with the request. Motion carried unanimously.

COMMENTS FROM MAYOR AND CITY COUNCIL

Council Member Dunn congratulated the Mayor for winning an award on Martin Luther King, Jr. Day. Mayor Parrott stated that he felt the award was for the entire Council and it is something that they can all be proud of.

Council Member Council reported on the Creating Livable Cities conference that she attended. She congratulated the AKA for a wonderful quiz bowl and thanked the League of Women Voters for a fine program that was given for elected women in Pitt County.

Council Member Glover stated that the Police Community Relations Committee will meet Wednesday, February 9, in the Police-Fire/Rescue Building at 7:00. She has been appointed to serve on the Human Development Policy and Advocacy Committee for the National League of Cities and will be attending the first meeting in Washington on March 12. February is Black History Month. She encouraged citizens to learn more about their history and heritage.

Council Member Council stated that Shaw University alumni are raising funds for the United Negro College Fund and will be having a kick-off prayer breakfast February 12 at 7:30 at the Golden Corral.

CITY MANAGER'S REPORT

Establish a Date for a Special City Council Meeting to Discuss the Report from the Task Force on the Preservation of Neighborhoods and Housing

Motion was made by Council Member Little and seconded by Council Member Council to meet to discuss the report from the Task Force on the Preservation of Neighborhoods and Housing on February 21, 2005. Motion carried unanimously.

CLOSED SESSION

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Little to go into closed session to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body. Motion carried unanimously.

RETURN TO OPEN SESSION

Motion was made by Council Member Craft and seconded by Council Member Glover to return to open session. Motion carried unanimously.

ADJOURN

Motion was made by Council Member Craft and seconded by Council Member Dunn to adjourn the meeting at 7:55 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, CMC
City Clerk